

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298

RECEIVED



April 4, 1996

APR - 5 1996

DOCKET FILE COPY ORIGINAL

AUDIO SERVICES DIVISION

William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20036

RECEIVED

APR 5 1996

Re: CC Docket No. 95-116  
RM 8535

Dear Mr. Caton:

Please find enclosed for filing an original plus eleven copies of the REPLY COMMENTS OF THE PEOPLE OF THE STATE OF CALIFORNIA AND THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA in the above-referenced docket.

Also enclosed is an additional copy of this document. Please file-stamp this copy and return it to me in the enclosed, self-addressed postage pre-paid envelope.

Yours truly,

Mary Mack Adu  
Attorney for California

MMA:cdl

Enclosures

No. of copies made  
Date

0411

RECEIVED

APR - 5 1996

AUDIO SERVICES DIVISION

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

**ORIGINAL**

APR 5 1996

In the Matter of )

Telephone Number Portability )

CC Docket No. 95-116  
RM 8535

**REPLY COMMENTS OF THE PEOPLE OF THE STATE OF CALIFORNIA  
AND THE PUBLIC UTILITIES COMMISSION OF THE STATE  
OF CALIFORNIA**

The People of the State of California and the Public Utilities Commission of the State of California ("California" or "CPUC") hereby submit these reply comments in the above-referenced docket in response to the Public Notice released March 14, 1996 (DA 96-358) soliciting comment on how passage of the Telecommunications Act of 1996 may affect issues raised in the Commission's July 1995 NPRM.

California believes that the only constraint the Telecommunications Act of 1996 imposes on the Federal Communications Commission's ("Commission" or "FCC") disposition of number portability is the requirement that the costs should be borne by all telecommunications carriers on a competitively neutral basis. (§251(e)(2)) This provision indicates that long-term number portability should be funded by all carriers in a non-discriminatory fashion. California takes issue with the parties that read into the Act greater direction on number portability.

California disagrees with AT&T's assertion that the Act precludes interim arrangements. (AT&T at 9) The Act recognizes

that providing number portability may require progressive steps when it requires local exchange carriers to provide number portability "to the extent technically feasible." (§251(b)(2)) More significantly, the Act explicitly mentions interim number portability solutions such as direct inward dialing and remote call forwarding as part of the Competitive Checklist for InterLATA entry. (§271(c)(2)(b)(xi)) These references leave little doubt that the Act contemplated interim number portability. In addition, AT&T's claim that the Act precludes charging for these interim solutions has no basis. The competitively neutral cost recovery mechanism clearly refers to permanent number portability solutions.

California disagrees with MCI's and Ameritech's claims that the FCC has exclusive jurisdiction over number portability. (MCI at 2; Ameritech at 3) California believes that the Act directs a leadership role for the Commission, but that states must be allowed to continue their efforts to implement number portability solutions that are most compatible with local exchange competition as it is evolving in each state. California also disagrees with parties which claim that there is a particular solution which is ready to be implemented nationwide. As indicated in prior comments in this docket, California is in the process of evaluating permanent local number portability solutions. An industry forum, the California Local Number Portability Task Force, has submitted a report on this issue which the CPUC is taking into consideration. The CPUC has asked the task force for information on the costs of various alternatives. However, in keeping with the Public Notice's

directive to address only the impact of the Act on the Commission's consideration of local number portability, the CPUC will refrain from addressing the merits of particular models.

Respectfully submitted,

PETER ARTH, JR.  
EDWARD W. O'NEILL  
MARY MACK ADU

By:

  
Mary Mack Adu

Attorneys for the People of the  
State of California and the  
Public Utilities Commission  
of the State of California

505 Van Ness Avenue  
San Francisco, CA 94102  
(415) 703-1952  
(415) 703-4432 FAX

April 4, 1996

CERTIFICATE OF SERVICE

I, Mary Mack Adu, hereby certify that on this 4th day of April, 1996, a true and correct copy of the forgoing **REPLY COMMENTS OF THE PEOPLE OF THE STATE OF CALIFORNIA AND THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA** was mailed first class, postage prepaid to all known parties of record.

  
Mary Mack Adu